

Introduced by Senator Corbett

December 8, 2010

An act to add Section 769 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 44, as introduced, Corbett. Public utilities: gas pipeline emergency response standards.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities. The Public Utilities Act authorizes the commission to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements, or services to be furnished, imposed, observed, and followed by specified public utilities, including gas corporations, as defined.

Existing federal law requires the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) to adopt minimum safety standards for pipeline transportation and for pipeline facilities, including an interstate gas pipeline facility and an intrastate gas pipeline facility, as defined. Existing federal law prohibits a state authority from adopting or continuing in force safety standards for interstate pipeline facilities or interstate pipeline transportation, but permits a state authority that has submitted a specified certification to adopt additional or more stringent safety standards for intrastate pipeline facilities and intrastate pipeline transportation only if those standards are compatible with the minimum standards prescribed by PHMSA.

This bill would require the commission, by July 1, 2012, to commence a process to establish compatible emergency response standards, as defined, that owners or operators of commission-regulated gas pipeline

facilities, as defined, would be required to follow. The standards would require owners or operators of commission-regulated gas pipeline facilities to implement emergency response plans, with specified requirements, that are compatible with PHMSA's regulations concerning emergency plans. The bill would require the commission to report to the Legislature on the status of establishing the compatible emergency response standards on or before January 1, 2013.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the provisions of this bill are within the act and require action by the commission to implement its requirements, a violation of these provisions would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 769 is added to the Public Utilities Code,
2 to read:

3 769. (a) For purposes of this section, the following terms have
4 the following meanings:

5 (1) "Commission-regulated gas pipeline facility" means an
6 intrastate gas pipeline facility as defined in Section 60101 of Title
7 49 of the United States Code, that is subject to the regulatory
8 authority of the commission, including both of the following
9 pipelines:

10 (A) A pipeline that is not subject to the jurisdiction of the
11 Federal Energy Regulatory Commission pursuant to Section 717(b)
12 of Title 15 of the United States Code because it is used for the
13 local distribution of natural gas.

14 (B) A pipeline that the commission, pursuant to Section 717(c)
15 of Title 15 of the United States Code, has certified to the Federal

1 Energy Regulatory Commission as being subject to the regulatory
2 jurisdiction of the commission over rates and service.

3 (2) “Compatible emergency response standards” means
4 additional or more stringent safety standards concerning emergency
5 response for commission-regulated gas pipeline facilities that are
6 compatible with the minimum safety standards adopted by the
7 United States Department of Transportation pursuant to Chapter
8 601 (commencing with Section 60101) of Subtitle VIII of Title 49
9 of the United States Code and that the commission is authorized
10 to adopt pursuant to Section 60104(c) of that chapter.

11 (b) On or before July 1, 2012, the commission shall commence
12 a process to establish compatible emergency response standards
13 that owners or operators of commission-regulated gas pipeline
14 facilities shall be required to follow. The commission shall establish
15 the standards to ensure that commission-regulated gas pipeline
16 facilities have emergency response plans that adequately prepare
17 them for any disaster or malfunction that could cause injury to
18 human life or property, with the purpose of minimizing the
19 occurrence of both.

20 (c) The commission shall establish the compatible emergency
21 response standards in consultation with the Office of Emergency
22 Services and members of California’s first responder community
23 including, but not limited to, members of the California Fire Chiefs
24 Association.

25 (d) The compatible emergency response standards shall require
26 owners or operators of commission-regulated gas pipeline facilities
27 to implement emergency response plans that are compatible with
28 the United States Department of Transportation Pipeline and
29 Hazardous Materials Safety Administration’s regulations
30 concerning emergency plans contained in Title 49 of Section
31 192.615 of the Code of Federal Regulations, and those plans shall
32 include, but not be limited to, all of the following requirements:

33 (1) Emergency shutdown and pressure reduction shall be utilized
34 whenever deemed necessary by first responders or owners or
35 operators to minimize hazards to life or property.

36 (2) Owners or operators of commission-regulated gas pipeline
37 facilities shall establish and maintain liaison with appropriate fire,
38 police, and other public officials to do all of the following:

39 (A) Learn the responsibility and resources of each government
40 organization that may respond to a gas pipeline emergency.

1 (B) Acquaint the officials with the owner's or operator's ability
2 in responding to a gas pipeline emergency.

3 (C) Identify the types of gas pipeline emergencies of which the
4 owner or operator notifies the officials.

5 (D) Plan how the owner or operator and officials can engage in
6 mutual assistance to minimize hazards to life or property.

7 (3) Owners and operators of commission-regulated gas pipeline
8 facilities shall provide the State Fire Marshal and the chief fire
9 official of the applicable city, county, or fire protection district
10 with geographic information system maps of the pipeline system
11 within the owner's or operator's control and shall ensure that those
12 system maps are updated on a regular basis.

13 (e) (1) The commission shall report to the Legislature on the
14 status of establishing the compatible emergency response standards
15 on or before January 1, 2013.

16 (2) A report to be submitted pursuant to paragraph (1) shall be
17 submitted in compliance with Section 9795 of the Government
18 Code.

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.